

UNITED STATES OF AMERICA, ) 3:12-cr-00015-HDM-WGC  
)  
Plaintiff, )  
) ORDER  
vs. )  
)  
RANDY MACARIO ANCHETA, )  
)  
Defendant. )  
)  
)


Defendant filed an abridged 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence and a 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence contending that his sentence should be vacated because the Hobbs Act robbery offense which served as a predicate for his 18 U.S.C. § 924(c) conviction no longer qualifies as a “crime of violence” in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015) (ECF Nos. 123, 128). The government responded arguing, in part, that defendant’s motion should be denied because Hobbs Act robbery does qualify as a crime of violence (ECF No. 131).

The Ninth Circuit has held that Hobbs Act robbery “indisputably qualifies as a crime of violence” under § 924(c).

1 *United States v. Howard*, 650 Fed.Appx. 466, 468 (9th Cir. 2016)  
2 (citing *United States v. Mendez*, 992 F.2d 1488, 1491 (9th Cir.  
3 1993)). Given the binding nature of the Ninth Circuit's ruling,  
4 defendant's motions (ECF Nos. 123, 128) are **DENIED**. Because the  
5 court's decision in this matter is dispositive, the court declines  
6 to address the other arguments raised in the defendant's motion and  
7 the government's response.

8 IT IS SO ORDERED.

9 DATED: This 29th day of June, 2018.

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12 UNITED STATES DISTRICT JUDGE  
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